

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

ANTHONY T. LEE, et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

**Plaintiff - Intervenor
and Amicus Curiae,**

**NATIONAL EDUCATION
ASSOCIATION, INC.,**

Plaintiff-Intervenor

v.

LEE COUNTY BOARD OF EDUCATION

MACON COUNTY BOARD OF EDUCATION

RUSSELL COUNTY BOARD OF EDUCATION

TALLAPOOSA COUNTY BOARD OF EDUCATION

ALEXANDER CITY BOARD OF EDUCATION

AUBURN CITY BOARD OF EDUCATION

OPELIKA CITY BOARD OF EDUCATION

PHENIX CITY BOARD OF EDUCATION

ROANOKE CITY BOARD OF EDUCATION

BUTLER COUNTY BOARD OF EDUCATION

COVINGTON COUNTY BOARD OF EDUCATION

ELMORE COUNTY BOARD OF EDUCATION

CRENSHAW COUNTY BOARD OF EDUCATION

CIVIL ACTION No. 3:70-cv-845-MHT

CIVIL ACTION No. 3:70-cv-846-MHT

CIVIL ACTION No. 3:70-cv-848-MHT

CIVIL ACTION No. 3:70-cv-849-MHT

CIVIL ACTION No. 3:70-cv-850-MHT

CIVIL ACTION No. 3:70-cv-851-MHT

CIVIL ACTION No. 3:70-cv-853-MHT

CIVIL ACTION No. 3:70-cv-854-MHT

CIVIL ACTION No. 3:70-cv-855-MHT

CIVIL ACTION No. 2:70-cv-3099-MHT

CIVIL ACTION No. 2:70-cv-3102-MHT

CIVIL ACTION No. 2:70-cv-3103-MHT

CIVIL ACTION No. 2:66-cv-2455-MHT

Defendants.

JOINT MOTION FOR APPROVAL OF CONSENT DECREE

COME NOW the parties to the above-styled action by and through the undersigned counsel and jointly submit the attached Consent Decree for the Court's consideration and approval. Further in support of said motion, the parties state as follows:

1. The parties jointly reported to the Court on July 31, 1998, that only special education and facilities issues remained unresolved as to the State of Alabama in the Lee v. Macon cases.

2. The parties have heretofore presented the Court with a Consent Decree on the special education component of the case, and that decree is in the latter stages of implementation according to its terms.

3. After much deliberation, the parties developed a Consent Decree to address the defendants' obligations as to facilities, and the parties respectfully submit that the Decree is fair, reasonable, and adequate.

4. The Decree has been approved by all necessary parties and is further presented for the Court's approval.

5. The parties submit that additional proceedings under Rule 23 of the Federal Rules of Civil Procedure are not necessary at this time and would be pleased to have a further status call with the Court to discuss that question if the Court so desires.

WHEREFORE, premises considered, the parties jointly request that the Court enter the attached Consent Decree.

s/ Fred D. Gray, Jr.
FRED D. GRAY, JR.
Gray, Langford, Sapp, McGowan, Gray & Nathanson
108 Eastside Street
Tuskegee, AL 36083-0239
Phone : (334) 727-4830
Fax : (334) 727-5877 Fax
GRA 053

/s Norman J. Chachkin

THEODORE M. SHAW
Director-Counsel

NORMAN J. CHACHKIN
NAACP Legal Defense & Educational Fund, Inc.
99 Hudson Street, 16th floor
New York, NY 10013
Phone : (212) 965-2200
Fax : (212) 219-2052
For Private Plaintiffs and Plaintiff-Intervenors.

LEURA GARRETT
United States Attorney

WAN J. KIM
Assistant Attorney General

/s Pauline A. Miller

JEREMIAH GLASSMAN
PAULINE A. MILLER
United States Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Avenue, N.W.
PHB 4300
Washington, DC 20530
Phone : (202) 514-2179
Fax : (202) 514-8337
AZ 5072
For Plaintiff-Intervenors.

/s Reginald L. Sorrells
REGINALD L. SORRELLS (ASB #1249-E61R))
LARRY E. CRAVEN (ASB # 8610-N51L)
Office of General Counsel
Alabama State Department of Education
5103 Gordon Persons Building
50 North Ripley Street
Montgomery, AL 36130
Phone : (334) 242-1899
Fax : (334) 242-1982

/s Constance S. Barker
CONSTANCE S. BARKER
Capell & Howard P.C.
150 South Perry Street
P.O. Box 2069
Montgomery, AL 36102
Phone : (334) 241-8048
Fax : (334) 241-8248

/s Whit Colvin
WHIT COLVIN
Bishop, Colvin, Johnson & Kent
1910 First Avenue North
Birmingham, Alabama 35203
Phone : (205) 251-2881
Fax : (205) 254-3987
(ASB # 3137-C51G)

For Defendants.